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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,570	10/23/2003	Hirotaka Ishikawa	Q77990	5963

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EXAMINER	
YOO, JASSON H	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
03/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/690,570	ISHIKAWA, HIROTAKA	
	Examiner	Art Unit	
	Jasson H. Yoo	3714	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-13*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☒ Other: See Continuation Sheet.

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3714

Continuation of 13. Other: Regarding claims 1-3, 5, and 11-13, Applicants argue that Nakamura does not teach or suggest that the game processing of the accessory game is carried out based on the character information read from the portable information storage device 54. Applicants further argue that Nakamura discloses that the domestic game machine 18 can provide a game utilizing the character information and the game cannot be played without the domestic game machine (col. 10:55-59). However col. 10:55-59 explicitly states "Sing the character information the memory card of this embodiment is electronic, the player can play the game only when the character information is written into the domestic game machine." However, this citation is only one embodiment of the Nakamura's invention. It is noted that this embodiment was not used for the rejection. Furthermore, even if the game is played only by the domestic game machine, the claims do not claim that the game is played by the first game device. In fact, the claims are not clear to where and when the game is played. For example, claim 1 requires the first game device to write information relating to play amount. Claim 2 require the information to be related to a fee paid by the player for playing at the first game device. In addition, Nakamura discloses that the gaming machine means perform a game computation for enabling a player to play at the given game during the time when the character information is being written into the portable information storage device or during the time when the character information is being printed on a material for printing (col. 3:1-8). Col. 8:6-16 clearly states that the portable information storage (PDA in the cited example) "may be used to perform the transfer of information between it an any of the other PDA's arcade game machines and domestic game machines". This information may be game parameters, as supported by cols. 6:66-7:17.

Applicants further argue that Nakamura does not teach or suggest modifying the context of game processing if play amount exceeds a certain value. Particularly, Applicants argue that the Official Notice is improper because the Examiner has not provided concrete evidence in the record. However the practice of official notice may be taken by the Examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. MPEP 2144.03(B) discusses that when Official Notice is taking of a fact, unsupported by documentary evidence, the technical line of reasoning underlying a decision to take such notice must be clear and unmistakable. In this case Nakamura discloses a fee paid by the player for process a game character. However, Nakamura fails to specifically teach the player amount information contains fee information by the player for playing the first game device. Nevertheless, Nakamura discloses that the gaming machines are arcade machines (col. 5:1). Nakamura illustrates a gaming machine with a money accepting slot (60 in Fig. 3A). It is implied or would have been obvious to have a fee to play at the arcade machines. A fee to play at the arcade would provide revenue for the arcade game manager. In arcade games, a fee is charged for each game played on the gaming machine. The play amount information that contains fee information would track the number of games played on the games. Furthermore, the fee information will track the amount of money the player has spent on the game. Nakamura specifically discloses services are provide to the player depending on the number of game plays (col. 10:31-39). Thus a service can be awarded to devoted game players who spent a lot of money on the game. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Nakamura's game system and incorporate play amount information that contains fee information by the player for playing at the first game device in order to modify the game play according the amount the player played on the first game device and provide service to the devoted game player..